

By the Committee on Criminal Justice; and Senator Aronberg

591-2607-07

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A bill to be entitled
An act relating to the Florida Retirement System; amending ss. 121.021 and 121.0515, F.S.; providing membership in the Special Risk Class for public safety dispatchers and 911 operators and their supervisors; providing a declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (15) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.--The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)(a) Until October 1, 1978, "special risk member" means any officer or employee whose application is approved by the administrator and who receives salary payments for work performed as a peace officer; law enforcement officer; police officer; highway patrol officer; custodial employee at a correctional or detention facility; correctional agency employee whose duties and responsibilities involve direct contact with inmates, but excluding secretarial and clerical employees; firefighter; or an employee in any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his or her employer.

(b) Effective October 1, 1978, "special risk member" means a member of the Florida Retirement System who is designated as a special risk member by the division in accordance with s. 121.0515. Such member must be employed as

1 a law enforcement officer, a firefighter, or a correctional
2 officer and must meet certain other special criteria as set
3 forth in s. 121.0515.

4 (c) Effective October 1, 1999, "special risk member"
5 means a member of the Florida Retirement System who is
6 designated as a special risk member by the division in
7 accordance with s. 121.0515. Such member must be employed as a
8 law enforcement officer, a firefighter, a correctional
9 officer, an emergency medical technician, or a paramedic and
10 must meet certain other special criteria as set forth in s.
11 121.0515.

12 (d)1. Effective January 1, 2001, "special risk member"
13 includes any member who is employed as a community-based
14 correctional probation officer and meets the special criteria
15 set forth in s. 121.0515(2)(e).

16 2. Effective January 1, 2001, "special risk member"
17 includes any professional health care bargaining unit or
18 non-unit member who is employed by the Department of
19 Corrections or the Department of Children and Family Services
20 and meets the special criteria set forth in s. 121.0515(2)(f).

21 (e) Effective July 1, 2001, the term "special risk
22 member" includes any member who is employed as a youth custody
23 officer by the Department of Juvenile Justice and meets the
24 special criteria set forth in s. 121.0515(2)(g).

25 (f) Effective October 1, 2007, the term "special risk
26 member" includes a person employed by an agency of state or
27 local government as a public safety dispatcher or 911 operator
28 whose duties and responsibilities include answering 911 calls;
29 dispatching law enforcement, fire rescue services, emergency
30 management services, and other public safety services to the
31 scene of an emergency; and providing real-time information

1 from federal, state, and local crime databases or supervising
2 or serving as command officer of a member or members having
3 such duties and responsibilities. However, the term does not
4 include administrative support personnel, including, but not
5 limited to, those whose primary duties and responsibilities
6 are in accounting, purchasing, legal, and personnel.

7 Section 2. Subsection (2) of section 121.0515, Florida
8 Statutes, is amended to read:

9 121.0515 Special risk membership.--

10 (2) CRITERIA.--A member, to be designated as a special
11 risk member, must meet the following criteria:

12 (a) The member must be employed as a law enforcement
13 officer and be certified, or required to be certified, in
14 compliance with s. 943.1395; however, sheriffs and elected
15 police chiefs shall be excluded from meeting the certification
16 requirements of this paragraph. In addition, the member's
17 duties and responsibilities must include the pursuit,
18 apprehension, and arrest of law violators or suspected law
19 violators; or the member must be an active member of a bomb
20 disposal unit whose primary responsibility is the location,
21 handling, and disposal of explosive devices; or the member
22 must be the supervisor or command officer of a member or
23 members who have such responsibilities; provided, however,
24 administrative support personnel, including, but not limited
25 to, those whose primary duties and responsibilities are in
26 accounting, purchasing, legal, and personnel, shall not be
27 included;

28 (b) The member must be employed as a firefighter and
29 be certified, or required to be certified, in compliance with
30 s. 633.35 and be employed solely within the fire department of
31 a local government employer or an agency of state government

1 | with firefighting responsibilities. In addition, the member's
2 | duties and responsibilities must include on-the-scene fighting
3 | of fires, fire prevention, or firefighter training; direct
4 | supervision of firefighting units, fire prevention, or
5 | firefighter training; or aerial firefighting surveillance
6 | performed by fixed-wing aircraft pilots employed by the
7 | Division of Forestry of the Department of Agriculture and
8 | Consumer Services; or the member must be the supervisor or
9 | command officer of a member or members who have such
10 | responsibilities; provided, however, administrative support
11 | personnel, including, but not limited to, those whose primary
12 | duties and responsibilities are in accounting, purchasing,
13 | legal, and personnel, shall not be included and further
14 | provided that all periods of creditable service in fire
15 | prevention or firefighter training, or as the supervisor or
16 | command officer of a member or members who have such
17 | responsibilities, and for which the employer paid the special
18 | risk contribution rate, shall be included;

19 | (c) The member must be employed as a correctional
20 | officer and be certified, or required to be certified, in
21 | compliance with s. 943.1395. In addition, the member's
22 | primary duties and responsibilities must be the custody, and
23 | physical restraint when necessary, of prisoners or inmates
24 | within a prison, jail, or other criminal detention facility,
25 | or while on work detail outside the facility, or while being
26 | transported; or the member must be the supervisor or command
27 | officer of a member or members who have such responsibilities;
28 | provided, however, administrative support personnel,
29 | including, but not limited to, those whose primary duties and
30 | responsibilities are in accounting, purchasing, legal, and
31 | personnel, shall not be included; however, wardens and

1 assistant wardens, as defined by rule, shall participate in
2 the Special Risk Class;

3 (d) The member must be employed by a licensed Advance
4 Life Support (ALS) or Basic Life Support (BLS) employer as an
5 emergency medical technician or a paramedic and be certified
6 in compliance with s. 401.27. In addition, the member's
7 primary duties and responsibilities must include on-the-scene
8 emergency medical care or direct supervision of emergency
9 medical technicians or paramedics, or the member must be the
10 supervisor or command officer of one or more members who have
11 such responsibility. However, administrative support
12 personnel, including, but not limited to, those whose primary
13 responsibilities are in accounting, purchasing, legal, and
14 personnel, shall not be included;

15 (e) The member must be employed as a community-based
16 correctional probation officer and be certified, or required
17 to be certified, in compliance with s. 943.1395. In addition,
18 the member's primary duties and responsibilities must be the
19 supervised custody, surveillance, control, investigation, and
20 counseling of assigned inmates, probationers, parolees, or
21 community controllees within the community; or the member must
22 be the supervisor of a member or members who have such
23 responsibilities. Administrative support personnel, including,
24 but not limited to, those whose primary duties and
25 responsibilities are in accounting, purchasing, legal
26 services, and personnel management, shall not be included;
27 however, probation and parole circuit and deputy circuit
28 administrators shall participate in the Special Risk Class;

29 (f) The member must be employed in one of the
30 following classes and must spend at least 75 percent of his or
31 her time performing duties which involve contact with patients

1 or inmates in a correctional or forensic facility or
2 institution:
3 1. Dietitian (class codes 5203 and 5204);
4 2. Public health nutrition consultant (class code
5 5224);
6 3. Psychological specialist (class codes 5230 and
7 5231);
8 4. Psychologist (class code 5234);
9 5. Senior psychologist (class codes 5237 and 5238);
10 6. Regional mental health consultant (class code
11 5240);
12 7. Psychological Services Director--DCF (class code
13 5242);
14 8. Pharmacist (class codes 5245 and 5246);
15 9. Senior pharmacist (class codes 5248 and 5249);
16 10. Dentist (class code 5266);
17 11. Senior dentist (class code 5269);
18 12. Registered nurse (class codes 5290 and 5291);
19 13. Senior registered nurse (class codes 5292 and
20 5293);
21 14. Registered nurse specialist (class codes 5294 and
22 5295);
23 15. Clinical associate (class codes 5298 and 5299);
24 16. Advanced registered nurse practitioner (class
25 codes 5297 and 5300);
26 17. Advanced registered nurse practitioner specialist
27 (class codes 5304 and 5305);
28 18. Registered nurse supervisor (class codes 5306 and
29 5307);
30 19. Senior registered nurse supervisor (class codes
31 5308 and 5309);

1 20. Registered nursing consultant (class codes 5312
2 and 5313);
3 21. Quality management program supervisor (class code
4 5314);
5 22. Executive nursing director (class codes 5320 and
6 5321);
7 23. Speech and hearing therapist (class code 5406); or
8 24. Pharmacy manager (class code 5251);
9 (g) The member must be employed as a youth custody
10 officer and be certified, or required to be certified, in
11 compliance with s. 943.1395. In addition, the member's primary
12 duties and responsibilities must be the supervised custody,
13 surveillance, control, investigation, apprehension, arrest,
14 and counseling of assigned juveniles within the community; ~~or~~
15 (h) The member must be employed by a law enforcement
16 agency or medical examiner's office in a forensic discipline
17 recognized by the International Association for Identification
18 and must qualify for active membership in the International
19 Association for Identification. The member's primary duties
20 and responsibilities must include the collection, examination,
21 preservation, documentation, preparation, or analysis of
22 physical evidence or testimony, or both, or the member must be
23 the direct supervisor, quality management supervisor, or
24 command officer of one or more individuals with such
25 responsibility. Administrative support personnel, including,
26 but not limited to, those whose primary responsibilities are
27 clerical or in accounting, purchasing, legal, and personnel,
28 shall not be included; or-
29 (i) The member must be employed by an agency of state
30 or local government as a public safety dispatcher or 911
31 operator. In addition, the member's duties and

1 responsibilities must include answering 911 calls; dispatching
2 law enforcement, fire rescue services, emergency management
3 services, and other public safety services to the scene of an
4 emergency; and providing real-time information from federal,
5 state, and local crime databases, or the member must be the
6 supervisor or command officer of a member or members who have
7 such duties and responsibilities. However, administrative
8 support personnel, including, but not limited to, those whose
9 primary duties and responsibilities are in accounting,
10 purchasing, legal, and personnel, are not included.

11 Section 3. The Legislature finds that a proper and
12 legitimate state purpose is served when employees and retirees
13 of the state and its political subdivisions and the
14 dependents, survivors, and beneficiaries of such employees and
15 retirees are extended the basic protections afforded by
16 governmental retirement systems. These persons must be
17 provided benefits that are fair and adequate and that are
18 managed, administered, and funded in a sound actuarial manner,
19 as required by s. 14, Art. X of the State Constitution and
20 part VII of chapter 112, Florida Statutes. Therefore, the
21 Legislature determines and declares that this act fulfills an
22 important state interest.

23 Section 4. This act shall take effect October 1, 2007.

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 Senate Bill 622

28 Provides a declaration of important state interest.
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